

OF

AO 450 (Rev. 5/85) Judgment in a Civil Case

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

ANTHONY REGAN,

Plaintiff,

V.

CLAYTON FRANK, et al.

Defendants.

JUDGMENT IN A CIVIL CASE

Case: CIVIL 04-00731SOM-LEK

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

November 30, 2005

At 4 o'clock and 00 min p.m.
SUE BEITIA, CLERK

[✓] **Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered:

The October 24, 2005 Judgment having been vacated by an Order entered November 28, 2005 by Judge Susan Oki Mollway, IT IS ORDERED AND ADJUDGED that Judgment is entered anew, and is entered as pursuant to the Court's "*Amended Order Dismissing Third Amended Complaint and Dismissing Defendant Clayton Frank*," filed on November 28, 2005, whereby:

- Defendant Clayton Frank's Motion to Dismiss Complaint is Granted based on Plaintiff Anthony Regan's failure to exhaust his administrative remedies prior to filing this action,
- The entire action is Dismissed, without prejudice to the filing of a new action by Anthony Regan following exhaustion,
- Claims against Defendant Clayton Frank are DISMISSED without Prejudice on the alternative grounds that Anthony Regan fails to state a claim against him and that Clayton Frank has qualified immunity, and
- The time in which Anthony Regan must appeal or take other post-judgment action begins to run anew from the filing date of this new Judgment.

cc: All Counsel and/or Parties of Record

November 30, 2005

Date

SUE BEITIA

Clerk

(By) Deputy Clerk

